

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Tammy L. Patten
fka Tammy L. Wiles
Debtor(s)

Bankruptcy Case No.: 17-23776-JAD
Issued Per Nov. 20, 2017 Proceeding
Chapter: 13
Docket No.: 25 - 12
Concil. Conf.: March 29, 2018 at 10:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 14, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Mar. 29, 2018 at 10:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Ally Financial at Claim No. 2 .
- ☒ H. Additional Terms: The Trustee shall not pay the secured claim of Harley Davidson Credit Corp. at Claim No. 3 as the creditors' collateral is to be surrendered.
The claim of Bank of New York/Ditech for the trailer is on reserve pending final confirmation.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: November 28, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Tammy L. Patten
 Debtor

Case No. 17-23776-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 36

Date Rcvd: Nov 28, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 30, 2017.

db
 14711257 +Tammy L. Patten, 101 Beulah Road, Butler, PA 16001-9528
 14711255 ARM Solutions, P.O. Box 3666, Camarillo, CA 93011-3666
 14711259 Advantage Chiropractic Centers, 205 Sunset Drive, Butler, PA 16001-1301
 14711260 BHS Nalathambi Medical Assoc., P.O. Box 1549, Butler, PA 16003-1549
 14711261 +Butler Ambulatory Surgery Center, P.O. Box 536655, Pittsburgh, PA 15253-5908
 14711263 Butler Imaging and Intervention Assoc., 7 Acee Drive, Natrona Heights, PA 15065-9700
 14711262 Butler Memorial Hospital, P.O. Box 37171, Baltimore, MD 21297-3171
 14711264 +Butler Memorial Hospital, Attn: Billing, One Hospital Way, Butler, PA 16001-4697
 14711265 Butler Pathology Services, P.O. Box 1549, Butler, PA 16003-1549
 14711266 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 14711268 (address filed with court: Capital One Bank, P.O. Box 5155, Norcross, GA 30091)
 14711270 CBCS, P.O. Box 2724, Columbus, OH 43216-2724
 14711270 +CCC/First National Bank, 500 E. 60th St. N, Sioux Falls, SD 57104-0478
 14711269 ++COLLECTION SERVICE CENTER INC BUTLER PA, PO BOX 1623, BUTLER PA 16003-1623
 14711271 (address filed with court: Collection Service Center, P.O. Box 1623, Butler, PA 16003-1623)
 14711274 Centers for Rehab Services, P.O. Box 536213, Pittsburgh, PA 15253-5904
 14711275 Collection Service Center Inc., P.O. Box 560, New Kensington, PA 15068-0560
 14711276 Emerald, P.O. Box 845066, Los Angeles, CA 90084-5066
 14711276 +Family Foot Care, 104 Technology Drive, Suite 103, Butler, PA 16001-1801
 14711276 Family Physical Therapy of Western, 104 Technology Drive, Suite 101, Butler, PA 16001-1801
 14711278 +First Premier Bank, 3820 N. Louise Avenue, Sioux Falls, SD 57107-0145
 14711277 First Premier Bank, P.O. Box 5147, Sioux Falls, SD 57117-5147
 14712340 +Harley-Davidson Credit Corp., PO Box 9013, Addison, Texas 75001-9013
 14711279 +Lawrence M. Kenney DMD, 348 North McKean St., Butler, PA 16001-4956
 14711281 +MLS Law Offices, Ltd., 3450 S. Halsted Street, Suite 209, Chicago, IL 60608-6869
 14711280 +Medcare Equipment Co. LLC, P.O. Box 5029, Greensburg, PA 15601-5058
 14711282 ++NORTHWEST SAVINGS BANK, P O BOX 337, WARREN PA 16365-0337
 14711286 (address filed with court: Northwest Savings Bank, 100 Liberty Street, Warren, PA 16365)
 14711286 +Why Not Lease It, 1750 Elm Street, Suite 1200, Manchester, NH 03104-2907

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14711254 +E-mail/Text: bankruptcyrentacenter.com Nov 29 2017 01:27:10 Acceptance Now,
 5501 Headquarters Drive, Plano, TX 75024-5837
 14707064 E-mail/Text: ally@ebn.phinsolutions.com Nov 29 2017 01:26:01 Ally Financial,
 PO Box 130424, Roseville MN 55113-0004
 14711256 +E-mail/Text: ally@ebn.phinsolutions.com Nov 29 2017 01:26:01 Ally Financial,
 P.O. Box 380901, Minneapolis, MN 55438-0901
 14696184 +E-mail/Text: jmengler@co.armstrong.pa.us Nov 29 2017 01:26:51
 Armstrong County Tax Claim Bureau, 450 E. Market Street, Kittanning, PA 16201-1409
 14711272 +E-mail/Text: kcarter@creditmanagementcompany.com Nov 29 2017 01:26:48
 Credit Management Company, 2121 Noblestown Road, Pittsburgh, PA 15205-3956
 14711273 +E-mail/Text: bankruptcy.bnc@ditech.com Nov 29 2017 01:26:10 Ditech, PO Box 6172,
 Rapid City, SD 57709-6172
 14723939 E-mail/PDF: cbp@onemainfinancial.com Nov 29 2017 01:28:35 ONEMAIN, P.O. BOX 3251,
 EVANSVILLE, IN 47731-3251
 14711283 E-mail/PDF: cbp@onemainfinancial.com Nov 29 2017 01:28:35 One Main Financial,
 Bankruptcy Department, P.O. Box 140489, Irving, TX 75014-0489
 14711284 E-mail/Text: nailda@centralcreditaudit.com Nov 29 2017 01:27:11 Statewide Tax Recovery,
 P.O. Box 752, Sunbury, PA 17801-0752
 14704558 E-mail/Text: bankruptcy.bnc@ditech.com Nov 29 2017 01:26:10
 The Bank of New York Mellon Trust Company, N.A., c/o Ditech Financial LLC, P.O. Box 6154,
 Rapid City, SD 57709-6154

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr
 14711258* Harley-Davidson Credit Corp
 14711267* +Armstrong County Tax Claim Bureau, 450 E. Market Street, Kittanning, PA 16201-1409
 14711285* CBCS, PO Box 2724, Columbus, OH 43216-2724
 Statewide Tax Recovery, Inc., PO Box 752, Sunbury, PA 17801-0752

TOTALS: 1, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 36

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***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 30, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 28, 2017 at the address(es) listed below:

Dai Rosenblum on behalf of Debtor Tammy L. Patten dunmyrem@zoominternet.net,
dailaw@earthlink.net;dailaw2@earthlink.net;pjbz@zoominternet.net;jmp8618@gmail.com
James Warmbrodt on behalf of Creditor Harley-Davidson Credit Corp bkgroup@kmlawgroup.com
Office of the United States Trustee ustpre03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 4